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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: PAMELA KAY LANKFORD 7405 Charmont Drive, Apt. 2105 San Diego, CA 92122 Registered Nurse License No. 642815 Respondent.	Case No. 2009-124 **ACCUSATION**

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

2. On or about August 12, 2004, the Board issued Registered Nurse License Number 642815 to Pamela Kay Lankford ("Respondent"). Respondent's registered nurse license expired on August 31, 2006, and has not been renewed.

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STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761, subdivision (a), states, in pertinent part, that the Board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for unprofessional conduct.

6. Code section 2762 states, in pertinent part:

> In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:
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> (a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.
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> . . . .
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> (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

7. Code section 4060 states:

> No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause

(iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices.

8. Health and Safety Code section 11173, subdivision (a), states, in pertinent part:

No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge . . .

Cost Recovery

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCES AT ISSUE

10. "Vicodin", a combination drug containing 5 mg hydrocodone bitartrate, also known as dihydrocodeinone, and 500 mg acetaminophen per tablet, is a Schedule III controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

FIRST CAUSE FOR DISCIPLINE

(Diversion and Possession of Controlled Substances)

11. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (a), in that in or about October 2004, while employed and on duty as a registered nurse at Antelope Valley Hospital, Lancaster, California, Respondent did the following:

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Diversion of Controlled Substances:

a. Respondent obtained the controlled substance Vicodin by fraud, deceit, misrepresentation, or subterfuge, in violation of Health and Safety Code section 11173, subdivision (a), by removing various quantities of Vicodin from the hospital's Pyxis system[1/] under the names of several different patients (patient numbers 380858, 893677, 920616, and 318214), when, in fact, there were no physician's orders authorizing the medication for the patients. In one instance, Respondent removed two tablets of Vicodin for a patient (patient number 644197) when, in fact, the physician's order called for the administration of only one tablet of Vicodin for the patient. Further, Respondent failed to chart the administration or wastage of the Vicodin in the medication administration records ("MAR"), or made false statements or grossly incorrect, grossly inconsistent, or unintelligible entries in the hospital's records to conceal her diversion of the controlled substance, as set forth in paragraph 12 below.

Possession of Controlled Substances:

b. Respondent possessed unknown quantities of the controlled substance Vicodin without a valid prescription from a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor, in violation of Code section 4060.

SECOND CAUSE FOR DISCIPLINE

(False Entries in Hospital/Patient Records)

12. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (e), in that in or about October 2004, while employed and on duty as a registered nurse at Antelope Valley Hospital, Lancaster, California, Respondent falsified, or made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital, patient, or other records pertaining to the controlled substance Vicodin, as follows:

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1. The Pyxis Medication System is a computerized medication administration system designed to improve communication between hospital pharmacies and clinical settings, to decrease medication errors, and to improve patient safety. Individual licensed personnel are assigned a password to access the Pyxis by the hospital or health care agency Pharmacy Department. The system can thus identify users, the time they log in and out of the system, and their activities while logged in the system, enabling the hospital or health care agency to identify medication discrepancies.

Patient # 893677:

a. On October 20, 2004, at 2309 hours, Respondent withdrew 2 tablets of Vicodin from the Pyxis under the patient's name when, in fact, there was no physician's order authorizing the medication for the patient. Further, Respondent failed to chart the administration or wastage of the Vicodin on the patient's MAR and otherwise account for the disposition of the two tablets of Vicodin.

b. On October 21, 2004, at 0616 hours, Respondent withdrew 2 tablets of Vicodin from the Pyxis under the patient's name when, in fact, there was no physician's order authorizing the medication for the patient. Further, Respondent failed to chart the administration or wastage of the Vicodin on the patient's MAR and otherwise account for the disposition of the two tablets of Vicodin.

Patient # 644197:

c. On October 23, 2004, at 0522 hours, Respondent withdrew 2 tablets of Vicodin from the Pyxis under the patient's name when, in fact, the physician's order called for the administration of only one tablet of Vicodin for the patient. Further, Respondent charted on the patient's MAR that she administered two tablets of Vicodin to the patient at 0518 hours.

Patient # 318214:

d. On October 26, 2004, at 1947 hours, Respondent withdrew 2 tablets of Vicodin from the Pyxis under the patient's name when, in fact, there was no physician's order authorizing the medication for the patient. Further, Respondent failed to chart the administration or wastage of the Vicodin on the patient's MAR and otherwise account for the disposition of the two tablets of Vicodin.

Patient # 380858:

e. On October 27, 2004, at 0054 hours, Respondent withdrew 2 tablets of Vicodin from the Pyxis under the patient's name when, in fact, there was no physician's order authorizing the medication for the patient. Further, Respondent failed to chart the administration or wastage of the Vicodin on the patient's MAR and otherwise account for the disposition of the two tablets of Vicodin.

Patient # 920616:

f. On October 27, 2004, at 0428 hours, Respondent withdrew 2 tablets of Vicodin from the Pyxis under the patient's name when, in fact, there was no physician's order authorizing the medication for the patient. Further, Respondent failed to chart the administration or wastage of the Vicodin on the patient's MAR and otherwise account for the disposition of the two tablets of Vicodin.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 642815, issued to Pamela Kay Lankford;

2. Ordering Pamela Kay Lankford to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 11/26/08.

RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant